

M/HW

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**FILED**4-29-2008 *cw*

APR 29 2008

STANISLAW FILIPEK,

Plaintiff,

V.

RACHEL KRASS, et al.,

Defendants.

No. 08 C 715

Hon. Ruben Castillo

Magistrate Judge Denlow

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**INITIAL STATUS REPORT****A. Nature of the Case**

The basis for jurisdiction is Section 1 of the Fourteenth Amendment to the United States Constitution, 28 U.S.C. 1331, and 42 U.S.C. 1983 and 1988.

The nature of Plaintiff's claim against Defendants stems from 42 U.S.C. 1983 because Defendants used excessive force against Plaintiff.

Plaintiff seeks compensatory and punitive damages, attorney's fees and costs, the amounts of which are unknown at this time.

All named individual defendants have appeared.

There are no major legal issues, although Defendants have filed a joint motion to dismiss pursuant to *Bell Atlantic*.

The major factual issue is whether the force that Defendants used against Plaintiff was excessive.

There are no known key authorities that will assist the Court in understanding and ruling on the issues.

**B. Preparation of Draft Scheduling Order**

- (A) The parties shall have until 30 days after Defendants answer to Plaintiff's complaint to make Rule 26(a)(1) disclosures.
- (B) The following amendments to the pleadings and/or joinder of additional parties are anticipated and may be sought upon appropriate motion by 6/27/08 on all federal claims in the complaint. Amendments thereafter may be made only on motion for good cause shown.

- (C) Non-expert discovery will close on 8/28/08.
- (D) The cut-off date for designation of plaintiff's trial expert(s) as provided in Fed. R. Civ. P. 26(a)(2) is 9/29/08; for defendant's trial expert(s), 10/28/08. Depositions of the experts shall be taken within 30 days of designation. Unless otherwise stipulated, disclosure of experts will include a report fully in compliance with Rule 26(a)(2)(B).

\*At this time, the parties do not anticipate using experts at trial. However, the parties reserve the right to name experts at a later date, at which time the parties will provide Rule 26(a)(2)(B) disclosures.

- (E) Any dispositive motions (motions for summary judgment) will be presented with a proposed agreed briefing schedule by 1/8/09, or 60 days following the close of all discovery, whichever is later.

C. Trial Status

A jury has been requested.

The probable length of trial is two days including jury selection.

D. Consent to Proceed Before a Magistrate Judge

The parties at this time do not consent to have their case proceed before a magistrate judge

E. Settlement Status

Plaintiff's Demand \$85,000.00

Respectfully Submitted,

/S/ John W. Moore (thf)  
John W. Moore (A.R.D.C. No. 6190084)  
Attorney for Plaintiff  
20 South Clark Street, Suite 2210  
Chicago, Illinois 60603  
(312) 419-1140

/S/ Thomas Freitag  
Thomas Freitag (A.R.D.C. No. 6272245)  
Attorney for Defendant Officers

Asst. Corporation Counsel  
Individual Defense Litigation  
30 North LaSalle Street, Suite 1400  
Chicago, Illinois 60602  
(312) 742-7391